

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASEY CONRAD NIXON,

Defendant.

CR 20–85–BLG–DLC

ORDER

Before the Court is Defendant Casey Conrad Nixon’s Unopposed Motion for Return of Seized Firearm. (Doc. 44.) The motion requests that the Court issue an order pursuant to Fed. R. Crim. P. 41(g) and/or the Court’s civil equitable jurisdiction directing the United States to release seized property belonging to Mr. Nixon to a non-prohibited third party custodian designated by Mr. Nixon. (*Id.* at 1–3.) The United States does not object. (*Id.* at 3.) The United States has subsequently moved to dismiss the indictment with prejudice because Mr. Nixon has successfully completed his term of pretrial diversion pursuant to his agreement with the United States. (Doc. 46.)

It is unclear why, if the United States does not object, it does not release this property without judicial intervention. The Court is hesitant to order the release of a firearm to an unknown third party without a clear statement from the United States regarding the safety and propriety of the request.

Accordingly, IT IS ORDERED that the United States shall file a response to the motion on or before January 6, 2022, which shall address: (1) why judicial intervention is necessary; and, if judicial intervention is necessary, (2) its view on the safety of release of the firearm to the third party designated by Mr. Nixon.

DATED this 30th day of December, 2021.



Dana L. Christensen, District Judge
United States District Court